

### **Remarks**

After careful consideration of the outstanding Office Action and pursuant to discussions between the undersigned and the Examiner (Mr. Tolan) in charge of the above-identified application, submitted herewith by amendment are:

1. A marked-up specification and a clean substitute specification.
2. New claims per this amendment.
3. A marked-up Abstract of the Disclosure and a clean Abstract of the Disclosure.

The present application (Serial No. 10/584,757) is based upon PCT/EP 2004/013521 which published as WO 2005/063587 A1. The PCT application was titled CONTAINER, included five pages of specification, eight claims and two sheets of drawings containing Fig. 1(a) through Fig. 1(f). The undersigned on behalf of Applicant filed on June 27, 2006 an express request to begin national examination procedures with respect to the above-identified application and contemporaneously therewith filed a Preliminary Amendment containing claims 1 through 11 and a specification entitled "CAN MANUFACTURE" which included twelve pages of specification, eleven claims and an Abstract of the Disclosure, each of which was totally unrelated to PCT/EP2004/013521. The latter filing was effected through ministerial error and without deceptive intent. However, by virtue of the latter filing, the

present Examiner (Mr. Tolan) had before him, upon initial examination, the **correct** drawings of PCT/EP2004/013521, but the incorrect specification, claims and Abstract of the Disclosure.

Based upon the foregoing facts, the rejection of claims 1 through 11 under 35 U.S.C. § 103(a) has been rendered moot by virtue of the new claims presented herewith by amendment. Claims 1 through 11 obviously dealt with subject matter entirely unrelated to the claims made of record herewith which correspond to the correct PCT application earlier noted.

It is noted for the record that the drawings of record containing Fig. 1(a) through 1(f) are correct and correspond with the substitute specification filed herewith and the subject matter now claimed. Accordingly, not only is the rejection of record rendered moot, but the objection to the drawings is likewise rendered moot because the drawings do in fact show every feature of the invention now specified in claims 12 through 19 submitted herewith.

In view of the foregoing, entry of the substitute specification and the new Abstract of the Disclosure and claims is herewith respectfully requested, followed by an examination on the merits of claims 12 through 19.

Accordingly, favorable consideration of the claims now of record is herewith respectfully requested.

Should there be any questions whatsoever concerning this amendment and the papers filed therewith, the Examiner is requested to telephone the

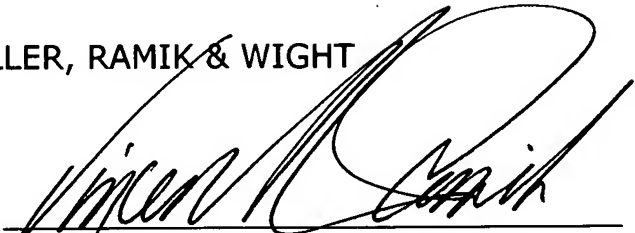
undersigned at 703 642 5705.

The Examiner is thanked for the courtesies extended the undersigned and Applicant during the earlier noted interviews.

Very respectfully,

DILLER, RAMIK & WIGHT

By:

A handwritten signature in black ink, appearing to read 'Vincent L. Ramik', written over a horizontal line.

Vincent L. Ramik, Reg. 20,663

Merion Square Suite 101  
7345 McWhorter Place  
Annandale, Virginia 22003

(703) 642-5705 - telephone  
(703) 642-2117 - fax

[www.drwpatentlaw@aol.com](mailto:www.drwpatentlaw@aol.com)